

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

HONORABLE MICHAEL W. KEMP

CLERK OF THE COURT

J. Hill

Deputy

IN RE THE MATTER OF
JASON C MCCOY

CAROL A SODERQUIST

AND

MCKYNZIE RAE GLADDEN

MCKYNZIE RAE GLADDEN
PO BOX 21
MARVEL CO 81329

FAMILY COURT SERVICES-CCC

HEARING

Prior to hearing Petitioner's exhibits 1 through 17 and Respondent's exhibits 18 through 21 were marked for identification.

Northwest Facility, Courtroom 121

2:09 p.m. This is the time set for an Evidentiary Hearing regarding Petitioner's Petition to Modify Parenting Time Agreement & Child Support filed June 15, 2012. Petitioner/Father Jason McCoy is present and represented by counsel, Carol A. Soderquist. Respondent/Mother McKynzie Gladden is present on her own behalf. Jason McCoy, McKynzie Gladden, Gregory Child, Jill Platt, Stephanie Walker and Benson Gladden are sworn.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

Jason McCoy, McKynzie Gladden, Gregory Child, Jill Platt, Stephanie Walker and Benson Gladden are sworn.

The Rule of Exclusion of Witnesses is invoked and the witnesses leave the courtroom.

Discussion is held regarding status of the case and pending issues.

Jason McCoy testifies.

Petitioner's exhibits 1, 2, 4 through 11, 13 and 14 are received in evidence.

Jill Platt testifies.

The witness is excused.

Stephanie Walker testifies.

The witness is excused.

Gregory Child testifies.

The witness is excused.

McKynzie Gladden testifies.

Benson Gladden testifies.

Respondent's exhibit 18 is received in evidence.

The witness is excused.

The Court has considered the evidence and testimony presented and the best interests of the minor children herein.

For the reasons stated on the record,

The Court does not find that Petitioner/Father has met his burden of showing a substantial and continuous change in circumstances to justify a modification to the current orders.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

IT IS THEREFORE ORDERED denying Petitioner's Petition to Modify Parenting Time Agreement & Child Support filed June 15, 2012.

IT IS FURTHER ORDERED that the children shall be returned to the primary care of Mother no later than Monday, August 20, 2012. (Father states he will return the children to Mother on August 18, 2012.)

IT IS FURTHER ORDERED that the children shall no longer attend school in Arizona. The children shall attend school in Colorado when the Fall 2012 semester begins.

IT IS FURTHER ORDERED adopting the parenting plan proposed on pages 6 through 9 of Petitioner's June 15, 2012 Petition to Modify Parenting Time Agreement & Child Support, except that the time shall be reversed between the parties so that Mother is primary residential parent and Father has the long distance parenting plan.

LET THE RECORD REFLECT pages 6 through 9 of Petitioner's Petition to Modify Parenting Time Agreement & Child Support filed June 15, 2012 states as follows:

THREE-DAY WEEKENDS DEFINED: All three-day weekends shall begin the Friday before the weekend after school or at 3:00 pm, through Monday at 6:00 pm.

Mother shall enjoy the following parenting time:

3-DAY WEEKENDS:

- * In September, Labor Day weekend, (in 2012 from August 31st at 3:00 pm to September 3rd at 6:00 pm), return to Father.**
- * In November, Veteran's Day, (in 2012, from November 9th at 3:00 pm through November 12th at 6:00 pm), return to Father.**
- * In January, Martin Luther King, Jr. Day, (in 2013, from January 18th at 3:00 pm through January 21st at 6:00 pm), return to Father.**
- * In February, President's Day, (in 2013, from February 15th at 3:00 pm through February 18th at 6:00 pm), return to Father.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

* In April, Staff Development Day (aka Good Friday), (in 2013, from THURSDAY at 3:00 pm through Easter Sunday at 6:00 pm), return to Father.

SCHOOL BREAKS AND VACATION TIME:

All holiday times shall begin the afternoon before the break, after school or at 3:00 pm and continue until the evening before school starts, at 6:00 pm, unless otherwise specified.

FALL BREAK:

Mother shall enjoy the following parenting time:

For 2012, October 5th at 3:00 pm through October 14th at 6:00 pm.

WINTER BREAK:

In even numbered years, Mother's parenting time shall begin December 24th at 6:00 pm. In odd numbered years, Mother's parenting time shall begin December 26th at 6:00 pm.

Father shall enjoy the first part of the Winter Break, for 2012 this amounts to four days). Mother shall enjoy the remaining Winter Break as follows:

- a. In even numbered years from December 24th at 6:00 pm through the night before school starts at 6:00 pm, return to Father. (For 2012, through January 6th at 6:00 pm).
- b. In odd numbered years from December 26th at 6:00 pm through the night before school starts at 6:00 pm, return to Father.

SPRING BREAK:

Mother shall enjoy the first five days of Spring Break and return to Father on the 5th day at 6:00 pm. Father shall enjoy the last four days of Spring Break. For 2013, Mother's parenting time will be Friday, March 8th at 6:00 pm through Wednesday, March 13th at 6:00 pm, return to Father.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

SUMMER VACATION:

Father shall enjoy 10 days of consecutive vacation time during the summer with the Children, and shall inform Mother of the proposed summer vacation time on or before May 1st, and if possible provide an itinerary and contact information for any out-of-state travel. Mother shall do the same: provide Father with an itinerary and contact information for any out-of-state travel. In the event of a conflict, Mother's preference shall control in even numbered years and Father's preference shall control in odd numbered years. If Father fails to timely notify Mother of his preference for the ten day period, the default arrangement will be that Father enjoys the last ten days in July from July 21st through July 31st. Mother enjoys the remaining summer vacation time with the Children. For 2013, Mother would enjoy time from May 23rd at 6:00 pm through July 20th at 6:00 pm (unless Father designates a different ten day time period and Mother would then keep the Children until July 31st at 6:00 pm).

THANKSGIVING:

**Defined as beginning at the end of the school day or 3:00 pm before the Thanksgiving break through the Sunday after Thanksgiving at 6:00 pm.
Father enjoys odd years and Mother enjoys even years with the Children.**

IT IS FURTHER ORDERED that there shall be frequent telephone contact and text messaging between the parents and the children. Neither parent shall interfere with telephone contact or text messaging between the other parent and the children.

IT IS FURTHER ORDERED that the parties shall equally divide the cost of travel for the children for Father's parenting time.

IT IS FURTHER ORDERED that minor child Mara shall participate in counseling in Colorado. Any therapist that provides counseling to Mara shall have no conflicts of interest and shall not be associated with Respondent/Mother in any way.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

IT IS FURTHER ORDERED affirming joint legal custody.

IT IS FURTHER ORDERED denying Petitioner's request for attorney fees.

The parties are informed that child support will be calculated after conclusion of hearing.

3:35 p.m. Matter concludes.

LATER:

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet dated August 8, 2012.

IT IS ORDERED that Father shall pay child support to Mother in the amount of \$775.00 per month (plus a Clearinghouse Handling Fee of \$5.00) payable through the Support Payment Clearinghouse on the 1st day of each month commencing September 1, 2012 by Income Withholding Order (*formerly "Order of Assignment"*).

IT IS FURTHER ORDERED approving and settling the formal written Child Support Order signed by the Court on August 8, 2012.

LET THE RECORD REFLECT an Income Withholding Order is initiated electronically by the above-named clerk, confirmation # 378969.

Although an Income Withholding Order has been issued, it will not be effective until the Court receives current employer information for the party ordered to make payments.

IT IS FURTHER ORDERED that any time an Income Withholding Order is not paying the child support obligation in full, Father shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the "Instructions for Making Support Payments through the Clearinghouse" attached hereto.

IT IS FURTHER ORDERED that Father shall complete the "Current Employer Information" form attached hereto and file same with the Clerk of Court. Father shall file a new form every time Father changes employers for as long as support is ordered.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-071521

08/08/2012

The parties are reminded that support payments paid directly between the parties instead of through the Support Payment Clearinghouse should be paid in a traceable manner, such as check or money order, or signed receipt for any cash payments. Evidence of direct payments should be saved in the event support is disputed.

IT IS FURTHER ORDERED releasing Petitioner's exhibits 3, 12, 15, 16 and 17 and Respondent's exhibits 19, 20 and 21.

IT IS FURTHER ORDERED the Memorandum of a Child Interview dated July 18, 2012 shall be filed as a Confidential Court Report.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

August 8, 2012

/ s / Michael W. Kemp

DATE

HONORABLE MICHAEL W. KEMP
SUPERIOR COURT JUDGE

FILED: Exhibit Worksheet; Exhibit Release Forms (2); Child Support Worksheet; Child Support Order; Memorandum of a Child Interview

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

CAROL A SODERQUIST: Current Employer Information, Non IV-D Payment Instructions